

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

04 CR 1004 CNG

Criminal No.

v.

) VIOLATIONS:

(1) RICARDO ROSARIO) 21 U.S.C. § 846--
A/K/A "KING BND,") Conspiracy to
(3) JONATHAN DELEON,) Distribute Cocaine
A/K/A "KING DANGER,") 21 U.S.C. § 841(a)(1)--
A/K/A "KING JONATHAN") Distribution of Cocaine
) 18 U.S.C. § 2--
) Aiding and Abetting
) 21 U.S.C. § 853--
) Criminal Forfeiture
) Allegation

SECOND SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. § 846 -- Conspiracy To Distribute Cocaine)

The Grand Jury charges that:

From a time unknown to the Grand Jury, but at least by in or about October, 2003, and continuing thereafter until in or about February, 2004 in Lawrence, Lowell, and elsewhere in the District of Massachusetts,

(1) RICARDO ROSARIO, A/K/A "KING BND," AND
(3) JONATHAN DELEON, A/K/A "KING DANGER," A/K/A "KING JONATHAN," the defendants herein, did knowingly and intentionally conspire and agree with each other, with Carmelo Rodriguez, Giecliff Rodreiguez and with other persons unknown to the Grand Jury to possess with intent to distribute, and to distribute, a quantity

of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further charges that the conspiracy described herein involved at least 500 grams of a mixture or a substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine;
18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about October 3, 2003, at Lawrence in the District of Massachusetts,

(1) **RICARDO ROSARIO, A/K/A "KING BND,"**

the defendant herein, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine;
18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about October 24, 2003, at Lawrence in the District of Massachusetts,

(1) RICARDO ROSARIO, A/K/A "KING BND,"

the defendant herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine;
18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about December 9, 2003, at Lowell and Lawrence in the District of Massachusetts,

(3) **JONATHAN DELEON, A/K/A "KING DANGER," A/K/A "KING JONATHAN,"** the defendant herein, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIVE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine;
18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about January 2, 2004, at Lawrence in the District of Massachusetts,

(1) **RICARDO ROSARIO, A/K/A "KING BND,"**

the defendant herein, did knowingly and intentionally distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 5 of this Indictment,

(1) RICARDO ROSARIO, A/K/A "KING BND," AND
(3) JONATHAN DELEON, A/K/A "KING DANGER," A/K/A "KING JONATHAN," defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds that:

1. The defendant, JONATHAN DELEON, was a manager or supervisor of a criminal activity that involved five or more participants or was otherwise extensive. Accordingly, USSG §3B1.1(b) applies to this defendant.

2. At the time he committed the offenses charged in this Superseding Indictment, defendant JONATHAN DELEON was at least eighteen years old and had two or more prior felony convictions of either a crime of violence or a controlled substance offense. Accordingly, U.S.S.G. §§ 4B1.1 & 4B1.2 apply to this defendant.

3. The defendant, JONATHAN DELEON, is accountable for at least 500 grams, but not more than 2000 grams, of cocaine. Accordingly, USSG §2D1.1(c)(7) apply to this defendant.

4. 3. The defendant, RICARDO ROSARIO, is accountable for at least 500 grams, but not more than 2000 grams, of cocaine. Accordingly, USSG §2D1.1(c)(7) apply to this defendant.

A TRUE BILL,
William J. Kelly Jr.
FOREPERSON OF THE GRAND JURY

~~JOHN A. WORTMANN, JR.
PETER K. LEVITT
ASSISTANT U.S. ATTORNEYS~~

DISTRICT OF MASSACHUSETTS

October 14, 2004

Returned into the District Court by the Grand Jurors and
filed.

Deputy Clerk

10/14/04 12:43 PM

Criminal Case Cover Sheet **04 CR 10048 NG** U.S. District Court - District of MassachusettsPlace of Offense: Lawrence Category No. II Investigating Agency FBICity Lawrence

Related Case Information:

County EssexSuperseding Ind./ Inf. X Case No. 04 CR 10048 NGSame Defendant X New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:

Defendant Name RICARDO ESTRADA ROSARIO Juvenile: Yes NoAlias Name KING BNDAddress 436 HAMPSHIRE STREET, LAWRENCE, MABirthdate: 1978 SS # 000 00 5890 Sex: MALE Race: Hispanic Nationalit US

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA JOHN WORTMANN, JR.; PETER K. LEVITT Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes NoWarrant Requested Regular Process In Custody

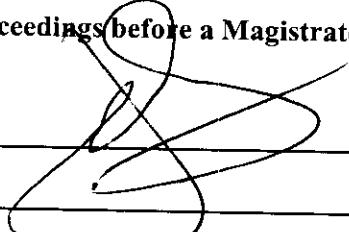
Location Status:

Arrest Date _____

Already in Federal Custody as of February 21, 2004 in Plymouth HOCAlready in State Custody at _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by: _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/04 Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): **04cr10048-NG**

Name of Defendant **RICARDO ESTRADA ROSARIO AKA KING BND**

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>21 USC 846</u>	<u>CONSPIRACY DISTRIBUTE COCAINE</u>	<u>1</u>
Set 2 <u>21 USC 841</u>	<u>DISTRIBUTION OF COCAINE</u>	<u>2, 3, 5</u>
Set 3 <u>18 USC 2</u>	<u>AIDING AND ABETTING</u>	<u>2, 3, 5</u>
Set 4		
Set 5		
Set 6		
Set 7		
Set 8		
Set 9		
Set 10		
Set 11		
Set 12		
Set 13		
Set 14		
Set 15		
ADDITIONAL INFORMATION: _____		

Criminal Case Cover Sheet **04 CR 10048 NG** U.S. District Court - District of Massachusetts

Place of Offense: Lawrence Category No. II Investigating Agency FBI

City Lawrence

Related Case Information:

County Essex

Superseding Ind./ Inf. X Case No. 04 CR 10048 NG
Same Defendant X New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name JONATHAN DELEON Juvenile: Yes No
Alias Name KING DANGER AKA KING JONATHAN
Address 139 CUSHING STREET, LOWELL, MA
Birthdate: 1982 SS # 000 00 4616 Sex: MALE Race: Hispanic Nationality US

Defense Counsel if known:

Address _____

Bar Number _____

U.S. Attorney Information:

AUSA JOHN WORTMANN, JR.; PETER K. LEVITT Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: _____

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of February 21, 2004 in Plymouth HOC
Already in State Custody at Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/04 Signature of AUSA: 